

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

# PCT

To:

JOHNSON DIVERSEY, INC.  
8310 16th Street - M/S 509  
Attn. Hamilton, Neil  
P.O. Box 902  
Sturtevant WI 53177  
UNITED STATES OF AMERICA

RECEIVED

JUN - 9 2005

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

No SUPP IDS DUE

(PCT Rule 44.1)

Article 19 Ampl  
Response Due: Aug 6, 2005  
+ 1 mo rmr 0

Date of mailing  
(day/month/year)

06/06/2005

Applicant's or agent's file reference

JD-333-WO

**FOR FURTHER ACTION**

See paragraphs 1 and 4 below

International application No.

PCT/US2005/002424

International filing date  
(day/month/year)

26/01/2005

Applicant

JOHNSON DIVERSEY, INC.

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

**4. Reminders**

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the International Searching Authority

 European Patent Office, P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
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Authorized officer

Nora Hick



## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

#### What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

#### When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

#### How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

#### What documents must/may accompany the amendments?

##### Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

## NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

### "Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

**It must be in the language in which the international application is to be published.**

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

### Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

### Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference  JD-333-WO	<b>FOR FURTHER ACTION</b>		see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No.  PCT/US2005/002424	International filing date (day/month/year)  26/01/2005	(Earliest) Priority Date (day/month/year)  28/01/2004	
Applicant  JOHNSON DIVERSEY, INC.			

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box II).

3. ☐ **Unity of invention is lacking** (see Box III).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. \_\_\_\_\_

☐ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/US2005/002424

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C11D3/00 C11D3/20 C11D3/02 C11D11/00

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C11D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 6 472 358 B1 (PODTBURG TERESA C ET AL) 29 October 2002 (2002-10-29) column 1, lines 13-25 column 2, line 47 - column 3, line 16; claims; examples -----	1-21
X	US 6 221 823 B1 (CRISANTI MICHAEL GEORGE ET AL) 24 April 2001 (2001-04-24) claims; examples 1,3,11,13,19,21 -----	1-21
A	US 4 404 040 A (WANG YUEH) 13 September 1983 (1983-09-13) column 2, line 52 - column 3, line 24 -----	1-21
A	US 6 495 506 B1 (EWBANK ERIC ET AL) 17 December 2002 (2002-12-17) column 11, lines 12-14 -----	1-21

☐ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

## \* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

\*&\* document member of the same patent family

Date of the actual completion of the international search

27 May 2005

Date of mailing of the international search report

06/06/2005

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Miller, B

## INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US2005/002424

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 6472358	B1	29-10-2002	AU 2002346392 A1	10-06-2003
			BR 0213546 A	26-10-2004
			CA 2462618 A1	30-05-2003
			EP 1444316 A1	11-08-2004
			JP 2005511635 T	28-04-2005
			NZ 531951 A	30-07-2004
			WO 03044145 A1	30-05-2003
US 6221823	B1	24-04-2001	GB 2306499 A	07-05-1997
			AU 718194 B2	06-04-2000
			AU 7374196 A	15-05-1997
			BR 9611215 A	01-06-1999
			CA 2235484 A1	01-05-1997
			CN 1202925 A ,C	23-12-1998
			DE 69631549 D1	18-03-2004
			DE 69631549 T2	30-12-2004
			EP 0904343 A1	31-03-1999
			ES 2211989 T3	16-07-2004
			GB 2306500 A ,B	07-05-1997
			NZ 320903 A	28-10-1999
			WO 9715649 A1	01-05-1997
			ZA 9608888 A	05-08-1997
US 4404040	A	13-09-1983	AU 561736 B2	14-05-1987
			AU 8769582 A	02-02-1983
			CA 1188188 A1	04-06-1985
			NZ 201044 A	30-08-1985
			WO 8300163 A1	20-01-1983
			ZA 8204625 A	31-08-1983
US 6495506	B1	17-12-2002	US 6346508 B1	12-02-2002
			AU 3680101 A	20-08-2001
			EP 1261685 A1	04-12-2002
			EP 1466961 A1	13-10-2004
			WO 0159050 A1	16-08-2001
			US 2002187914 A1	12-12-2002

# PATENT COOPERATION TREATY

## RECEIVED

From the  
INTERNATIONAL SEARCHING AUTHORITY

To: *Demand Nov. 28, 2005*  
Response Due: *Nov. 28, 2005*  
*+1+2 mo mrs*

## PCT

see form PCT/ISA/220

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)

Response Due: *Nov. 28, 2005*

*+1+2 mo mrs*

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/US2005/002424

International filing date (day/month/year)  
26.01.2005

Priority date (day/month/year)  
28.01.2004

International Patent Classification (IPC) or both national classification and IPC  
C11D3/00, C11D3/20, C11D3/02, C11D11/00

Applicant  
JOHNSON DIVERSEY, INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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Authorized Officer

Miller, B

Telephone No. +49 89 2399-8540



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2005/002424

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2005/002424

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	1-21
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-21
Industrial applicability (IA)	Yes: Claims	1-21
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

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**Box No. VIII Certain observations on the international application**

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)

International application No.

PCT/US2005/002424

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. **Documents cited**

The following documents (D) are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: US-B-6 472 358

D2: US-B-6 221 823

D3: US-B-4 404 040

D4: US-B-6 495 506

2. **Novelty** (Article 33(2) PCT) and **Inventive Step** (Article 33(3) PCT)

2.1. The general **problem to be solved** by the present application can be seen as providing an antimicrobial composition which can be used in a cleaning in place process (page 5, first and second paragraph of the present application).

2.2. Document D1 deals in principle with the same general problem (col. 1, lines 13-25, col. 2, line 67 - col. 3, line 2) and is thus considered as the **closest prior art**.

D1 discloses a cleaning composition comprising 3-12 wt.-% of a C<sub>5-12</sub> fatty acid, 5-50 wt.-% of a weak C<sub>1-4</sub> carboxylic acid and 5-50 wt.-% of nitric acid (claim 1) wherein the weak acid can be selected from acetic acid, hydroxyacetic acid, hydroxypropionic acid, fumaric acid, tartaric acid, succinic acid, malic acid, etc. (claim 2).

The compositions further comprise a hydrotrope (claim 25, examples). Due to the strongly acidic compounds used, the pH has to be below 5.

Thus, the subject-matter of **claim 1** differs from these known compositions in that in addition to the strong acid and the fatty acid two further weak carboxylic acids are selected from the list given in D1 (claim 2), namely a hydroxyalkyl carboxylic acid and a dicarboxylic acid.

The objective technical problem underlying present claim 1 when starting from D1 can therefore be formulated as providing an alternative sanitizing composition.

D1 indicates already in column 2, lines 47-50 and in col. 3, lines 10-16 that shorter chain weak carboxylic acids (such as tartaric acid, malic acid and hydroxyacetic acid, citric acid etc. see col. 5, lines 1-5) can be used as a solvent for the long chain fatty acid, which is normally not soluble in water at very diluted concentrations. Moreover, D1 already points out, that a strong mineral acids needs to be present in order to achieve a dilutable effective composition (col. 3, lines 5-14).

Thus, D1 offers already a clear indication to use a disinfecting compsiton comprising a fatty acid, a strong mineral acid and shorter chain carboxylic acids in order to achieve a dilutable sanitizing composition.

Since it is within the customary practice of the skilled person to replace a solvent completely or partly by an equivalent solvent, using (selecting) hydroxyalkyl carboxylic acid and a dicarboxylic acid (both already explicitly proposed by D1) has to be regarded as an arbitrary modification (selection) of the skilled person which cannot be regarded as inventive, contrary to Article 33 (3) PCT.

The examples of the present application do not contribute to establish the presence of an inventive step for the following reasons:

The compositions of the examples differ to such an extent from each other that a clear comparison does not seem to be possible. The amounts of hydrotrope, inorganic acid and of the antimicrobial system differ to such an extent that the differences in the microbiological tests and the foaming/stability tests cannot be brought into any relationship with the presence of a specific ingredient in a specific amount.

Therefore, it seems to be necessary to submit new comparative examples in order to establish the presence of an inventive step.

Moreover, in the examples only one specific combintation of carboxylic acids is shown. It does not seem to be credible, that any combination of carboxylic acids (e.g. 0.01 wt.% of hydroxyacetic acid in combination with 0.01 maleic acid and 10 wt.% stearic acid) in any amount/ratio achieves better or equal results, since the solubilizing power of the short chain acids does not seem to be high enough in order to solubilize much higher amounts of fatty acid.

2.3. A similar line of argumentation can also be developped from document D2.

Document D2 discloses germicidal (saniitizing) acidic hard surface cleaning compositions (examples 1,3,11,13,19 and 21) comprising tartaric acid, citric acid and a further organic acid to achive an acidic pH which is between 1 and 5 (claim 5).

Thus, the subject-matter of present claim 1 **differs** from the compositions indicated by D2 only by the presence of a fatty acid.

Starting from D2 the objective technical probelm can thus be formulated to provide a composition having an improved disinfection efficiency.

Since it it well known in the art, that fatty acids achieve a very good disinfecting action (see e.g. D3, col. 2, line 52-col. 3, line 24), it is obvious to the skilled person to add a fatty acid to the compositions exemplified in D2 in order to solve the underlying technical problem.

Thus, the subject-matter of present claim 1 lacks an inventive step in view of D2 when combined with D3, contrary to Article 33(3) PCT.

- 2.4. Since present claim 19 has in principle the same scope as claim 1, the argumentation provided above for the subject-matter of present claim 1 is also valid for the subject-matter of present 19. Thereby the attention of the applicant is drawn to the fact, that fatty acids are also well known to act as a foam suppressor (see D4, col. 11, lines 12-14).

### **Re Item VIII**

#### **Certain observations on the international application**

The following observations on the clarity of the claims and description or on the question whether the claims are fully supported by the description are made:

1. Claims 1 and 19 lack clarity (Article 6 PCT), since a C<sub>1</sub> hydroxyalkylcarboxylic acid does not seem to exist.
2. When filing amended claims the applicant should at the same time bring the description into conformity with the amended claims. Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2005/002424

to add subject-matter which extends beyond the content of the application as originally filed (Article 34(2)(b) PCT).

The applicant should clearly **identify the amendments carried out**, irrespective of whether they concern amendments by addition, replacement or deletion, and to **indicate accurately the passages** of the application as filed **on which these amendments are based** (Rule 66.8 (a) PCT).

The amendments are preferred to be carried out in handwritten form on a copy of the relevant parts of the application as filed (Rule 66.8 (b) PCT) accompanied by a clean copy of the corresponding pages (Guidelines PCT/GL/ISPE/1, Chapter 20.6-20.8).

**This Page is Inserted by IFW Indexing and Scanning  
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## **BEST AVAILABLE IMAGES**

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